

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

ALYESKA MASTER FUND, L.P.,
ALYESKA MASTER FUND 2, L.P., and
ALYESKA MASTER FUND D, .P.,

Civil Action No. 4:22-cv-01189

Judge George C. Hanks, Jr.

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a
SILVER RUN ACQUISITION
CORPORATION II RIVERSTONE
HOLDINGS LLC; ARM ENERGY
HOLDINGS LLC; BAYOU CITY
ENERGY MANAGEMENT, LLC; HPS
INVESTMENT PARTNERS, LLC;
JAMES T. HACKETT, HARLAN H.
CHAPPELLE, WILLIAM
GUTERMUTH, JEFFREY H. TEPPER,
DIANA J. WALTERS; MICHAEL E.
ELLIS; RONALD SMITH; DON
DIMITRIEVICH; PIERRE F. LAPEYRE,
JR.; DAVID M. LEUSCHEN; WILLIAM
W. MCMULLEN; DONALD SINCLAIR;
STEPHEN COATS; and THOMAS J.
WALKER,

Defendants.

ORBIS GLOBAL EQUITY LE FUND
(AUSTRALIA REGISTERED), ORBIS
GLOBAL EQUITY FUND
(AUSTRALIA REGISTERED), ORBIS
GLOBAL BALANCED FUND
(AUSTRALIA REGISTERED), ORBIS
SICAV, ORBIS INSTITUTIONAL
GLOBAL EQUITY L.P., ORBIS
GLOBAL EQUITY FUND LIMITED,
ORBIS INSTITUTIONAL FUNDS
LIMITED, ALLAN GRAY AUSTRALIA
BALANCED FUND, ORBIS OEIC, and
ORBIS INSTITUTIONAL U.S. EQUITY
L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a
SILVER RUN ACQUISITION
CORPORATION II; RIVERSTONE
HOLDINGS LLC; ARM ENERGY
HOLDINGS LLC; BAYOU CITY
ENERGY MANAGEMENT, LLC; HPS
INVESTMENT PARTNERS, LLC;
JAMES T. HACKETT, HARLAN H.
CHAPPELLE, WILLIAM
GUTERMUTH, JEFFREY H. TEPPER,
DIANA J. WALTERS; MICHAEL E.
ELLIS; RONALD SMITH; DON
DIMITRIEVICH; PIERRE F. LAPEYRE,
JR.; DAVID M. LEUSCHEN; WILLIAM
W. MCMULLEN; DONALD SINCLAIR;
STEPHEN COATS; and THOMAS J.
WALKER,

Defendants.

Civil Action No. 4:22-cv-02590

Judge George C. Hanks, Jr.

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
COUNTS III-VIII**

The Court having considered Defendants Alta Mesa Resources, Inc., f/k/a Silver Run Acquisition Corporation II; Riverstone Holdings LLC; ARM Energy Holdings LLC; Bayou City Energy Management, LLC; HPS Investment Partners, LLC; James T. Hackett, Harlan H. Chappelle, William Gutermuth, Jeffrey H. Teppner, Diana J. Walters; Michael E. Ellis; Ronald Smith; Don Dimitrievich; Pierre F. Lapeyre, Jr.; David M. Leuschen; William W. McMullen; Donald Sinclair; Stephen Coats; and Thomas J. Walker (collectively “Defendants”) Motion to Dismiss Counts III-VIII (“Motion”), IT IS HEREBY ORDERED THAT Defendants’ Motion is GRANTED. The Court finds that Counts III, IV, and V are time barred, Counts VI, VII, and VIII are preempted by the Securities Litigation Uniform Standards Act of 1998 (“SLUSA”), and the “holder” claims alleged in Counts VI and VII of the Orbis Complaint are not cognizable under Texas law. The Alyeska Plaintiffs’ Complaint is, with respect to Counts III, IV, V, VI, and VII, DISMISSED WITH PREJUDICE and the Orbis Plaintiffs’ Complaint is, with respect to Counts III, IV, V, VI, VII, and VIII DISMISSED WITH PREJUDICE.

Date

The Honorable George C. Hanks, Jr
United States District Judge